IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1777 OF 2003
WITH
NOTICE OF MOTION NO.1778 OF 2003
IN
SUIT NO.340 OF 1991

Jayanti Satyanarayan Murthi and Ors...Plaintiffs

Vs.

Powai Hsg.Dev.P.Ltd. and Pragati CHS Ltd. ..Defendants

None present

Mr.V.S.Parab, Asst.to Court Receiver (Adm) present

CORAM : S.U.KAMDAR, J
DATED : 26TH OCTOBER, 2005

P.C.:

. The present motion is taken out on 7.6.03 seeking to execute an order dt.4.4.97 passed in Notice of Motion No.3398 of 1996 in Suit No.340 of 1991. However, subsequent to the said order dt.4.4.97 the suit itself is disposed of by the Division Bench by an Order and Judgment dt.24.12.97 in Cross Objection no.2 of 1997 in Appeal No.722 of 1997 in Appeal Lodging No.690 of 1997 in Suit No.340 of 1991. In that view of the matter, this

motion is misconceived and does not survive. Suit itself having been disposed of by final order no motion can be taken out for implementation in consequence of interim order. In any event the remedy of the plaintiff is to take out execution proceedings or file their own substantive proceedings and no relief can be granted to the applicant when the suit itself is disposed of. Apart from the aforesaid I find that the Advocate, M.L.Chaturvedi who has taken out application is not appearing inspite of notice. In that view of the matter, both the motions are accordingly dismissed. No order as to costs.